

HOT SPRINGS HISTORIC DOWNTOWN FARMERS MARKET, INC.

RULES & REGULATIONS (updated and revised 5.25.2023)

The purpose of these Rules & Regulations is to provide guidance for a well-maintained and operated Farmer Market that benefits the community by offering the sale of locally grown produce, meats, eggs, baked goods, and artisanal handcrafted products.

The Historic Downtown Farmers Market (HDFM), through a formal agreement with the City of Hot Springs, is responsible for Market operations, management, and events. The HDFM Board of Directors serves as the governing body.

GENERAL RULES & REGULATIONS

1. **OPERATIONS:** HDFM operates the Hot Springs Farmers & Artisans Market year-round. Main Season is May through October, Saturdays from 7:00 a.m. to 12:00 p.m. and Tuesdays, June through August, 4:00 p.m. to 7:00 p.m. Vendor setup is from 5:00 a.m. to 7:00 a.m. on Saturdays and from 3:30 to 4:00 p.m. on Tuesdays. Winter Market is November through April, Saturdays from 9 a.m. to 12:00 p.m. Vendor setup is from 8:00 a.m. to 9:00 a.m. **Vendors must remain on the premises during Market hours.**

Other dates may be added at the discretion of the HDFM Board of Directors. The Board-appointed Market Manager will unlock the entrance gates at least one hour prior to the start of the Market.

2. **APPLICATIONS:** All Market vendors must fill out an application once every two years prior to participating. Forms are available online at www.hotspringsfarmersmarket.com, under the Vendor Info tab. By signing the online application, vendors are stating they have read and agree to the rules and regulations of the HDFM.

3. **MARKET MANAGER:** The HDFM Board of Directors will appoint an on-site Market Manager(s) or authorized agent(s) of the Board to be present during Market hours. This person is authorized to eject, make arrangements to eject, or to prevent anyone from returning to the HDFM property who is not in compliance with these regulations, the HDFM bylaws, or otherwise acting in a manner that disrupts Market participants and vendors. The Market Manager is authorized by the HDFM Board to resolve issues and make space assignment decisions.

4. **VENDOR CATEGORIES:**

Farmer: Farm products (produce, meat, eggs, seeds, plants) must make up 2/3 of goods brought to the

Market for sale. **100% of farm products and goods must be grown/made by the vendor.**

Value Added: 100% of homemade food products (baked goods, jams, jellies) must be made by vendor.

Artisan: 100% of original art, handmade/handcrafted crafts, jewelry, and clothing must be made by the artisan vendor

5. **FEES:** Saturdays during Main Season vendor fees are \$14.00 under the pavilion (covered) and \$12 outside of the pavilion (uncovered) Tuesday Market fees are \$7.00 for all vendors, covered or uncovered. Winter Market fees are \$5.00 for all vendors, covered or uncovered. Youth Market fees are \$2 during Main Season and free during Winter Market (available to youth ages 6-12).

6. The HDFM is a family-friendly environment. Vendors shall refrain from use of profanity or other offensive language. Products for sale, booth decorations and vendor attire must be appropriate for family audiences.

Vendors shall not shout, interrupt customers at other booths, nor in any way distract customers to draw attention to their own products. Music volume is to be kept low enough to be heard only in the vendors' personal booth.

For the Market to stay visibly attractive, vendors will set up in a reasonably uniform and family-friendly manner. HDFM reserves the right to make the final decision on what constitutes an appropriate family-friendly appearance.

7. **OVERSIZED VEHICLES:** Due to the design of the market pavilion area, it is difficult to accommodate large and oversized vehicles. Arrangement for accommodation of larger or over-sized vehicles must be requested at a Saturday Market at least 2 weeks prior to when that vehicle is needed for set up.

Accommodation of these vehicles cannot be guaranteed. If allowed, accommodation of such vehicles will be decided on a week by week basis.

8. **RESERVED SPACES:** Reserved spaces are available to all vendors on Saturdays during Main Season, May through October.

The reservation fee for a covered space for the entire Main Season is \$312, reservation fee for uncovered spaces for the entire Main Season is \$260. Vendors wanting to reserve spaces are required to prepay to reserve their spot. The first half-payment is due upon making the reservation; the second half-payment is due within 60 days. Interim partial payments or payments past the deadlines will not be accepted.

Vendors with reserved spaces for the entire season from the previous year will be given priority for their previous space. If a vendor wishes to renew the same space as the previous year, and prepays, s/he will be allowed to reserve the space.

Vendors wanting to change spaces and/or vendors making new reservations will be selected next.

The Board/and or representative may need to make final adjustments/accommodations to the selected spaces.

After the first payment has been collected from vendors reserving for the entire Main Season, vendors wishing to reserve spaces for half of the Main Season (May, June, July) can do so. In exchange for prepayment, they will secure a reserved space for the first half of the season.

When all reserved spaces are taken, vendors will be assigned a space by the market manager and/or HDFM board member. Non-reserved vendors will be admitted on a first-come, first-serve basis, and the unreserved spaces will be allocated according to the following: 1) farmers/growers 2) plants and fresh-cut garden flowers 3) value-added and baked goods 4) art and craft items.

Vendors with reserved spaces who miss two consecutive or three non-consecutive Market days during Main Season and fail to notify the Market Manager in advance of their absence will forfeit their space for the remainder of Main Season. **No refunds will be given, regardless of circumstances.**

Vendors with reserved spaces who do not arrive by 6:30 a.m. and have not notified the Market Manager in advance will forfeit their spot that day. No refunds/credit given for missed days. Call/text Market Manager phone number 501-385-8176, Sunday through Friday, 7am - 9pm

Emergency texts/phone calls only outside designated hours.

9. **FARMER’S 100% RULE:** HDFM consumers desire to purchase fresh produce, meat, and eggs directly from the producer. **100 percent of all farm products must be grown by the vendor.**

Vendors shall allow the Market Manager and or designated Board member to perform visual inspections of produce during setup on Market days to verify the absence of commercial/peddled products. In order to comply with the HDFM 100% homegrown rule, Board members will conduct farm visits then report to the Board of Directors. **Any misrepresentation by the vendor will be cause for immediate dismissal and end the vendor’s participation in the Hot Springs Farmers and Artisans Market.**

10. **VALUE ADDED** items (baked goods, canned honey, jellies, preserves, etc) must have proper labeling including: all ingredients, name and address of producer and, in 10-point font, “this product is home produced.” This information must be affixed to the item for sale. Producers who do not wish to disclose this information for safety reasons may request an identification number provided by the Arkansas Department of Agriculture to

be used instead of this information.

<https://www.cognitofrms.com/ArkansasAgriculture1/applicationforfoodfreedomactbusinessidnumber2>

Foods that require temperature control (kept cold or hot) to limit toxin or microorganism formation are not permitted to be sold at HDFM unless you are operating a food truck and/or have the required Arkansas Department of Health permits.

Value added vendors are responsible for complying with all HDFM rules, regulations and laws governing the food industry in including:

Farmers' Market Vendor Guide: https://www.healthy.arkansas.gov/images/uploads/pdf/FarmersMarketGuidelinesRevised_9-24-21.pdf

Homemade Food Guide: https://www.healthy.arkansas.gov/images/uploads/pdf/Homemade_Food_Guide_FINAL.pdf

Links to both publications are available online at www.hotspringsfarmersmarket.com.

Any item for sale by the vendor that is produced or manufactured by anyone other than the vendor is not permitted. Such misrepresentation will be cause for immediate dismissal and end of participation in the Hot Springs Farmers and Artisans Market. (This does not apply to promotional merchandise.)

FOOD TRUCKS: Vendors operating food trucks must have the required Arkansas Department of Health permits and certificates. Vendors must fill out a vendor application and pay a maximum weekly fee of \$50.00.

A full main season fee is available on request. Unless otherwise determined by the Market Manager, food trucks will park along the back fence, in between the handicap parking and the Market shed, to access electricity and allow safe passage for foot traffic unless. A minimum 48 hour advance notice is required to secure space. **There is electricity** available, so please, **no generators**.

11. ARTISANS: JEWELRY: Handmade/handcrafted jewelry is made by the artist without the use of mass-manufacturing machines. It can range from simple hand-assembled pendants and bracelets to intricate designs. The jewelry artist makes each individual piece (enameled, wire wrapped, beaded, assembled, fabricated, hand-stamped, etc.) using only their hands and simple tools. Pre-assembled jewelry cannot be purchased wholesale and sold retail at the Market. This qualifies as misrepresentation.

CLOTHING, CLOTH ACCESSORIES, CROCHET, KNIT, and EMBROIDERY: The artist can purchase clothing, napkins,towels, etc. wholesale, as long as the item being sold has original art adorning the item

(embroidery, paint, bedazzled, tie-dye, cross-stitch, etc.). Items such as potholders, hair accessories, aprons, gloves, scarves, stuffed animals, etc. must be handmade by the artist.

WOOD, METAL, and OTHER MATERIALS: Your product must be crafted and fashioned by your own two hands. A scroll saw, band saw, or lathe, etc. that has current running through it does not fall under the category of machine work, even though it is technically machinery.

SOAPS, CANDLES, SPRAYS, CREAMS, and TINCTURES: Handmade/handcrafted soaps, candles, sprays, creams, and tinctures must be made, mixed, and bottled/wrapped by the artist. Pre-assembled and mass manufactured items cannot be bought wholesale and sold retail at the Market. Tinctures and creams must meet health department vendor requirements.

BOOKS, PAINTINGS, and PHOTOGRAPHY: All books, paintings, and photography must be the artist's original works or signed prints of original works.

Any item for sale by the vendor that is produced or manufactured by anyone other than the vendor is not permitted and will be cause for immediate dismissal and end of participation in the Hot Springs Farmers and Artisans Market. (This does not apply to promotional merchandise)

Vendors may sell limited promotional merchandise with their logo. Merchandise should have only the logo and contact information... no additional commentary, slogans, or pictures. A single sample of each type of promotional merchandise may be on display; additional stock stored under their table or elsewhere in the booth that is easily accessible for the vendor. Promotional merchandise is to occupy no more than 10% of the booth.

12. All vendors are responsible for maintaining their space in a clean and orderly manner and staying on-site.

Trash, crates, boxes, and containers must be disposed of by the vendor as there is no on-site trash disposal. Vendors using food wrappers, paper cups, napkins, etc. must provide a trash bag for their customers' refuse. All vendors are responsible for picking up and removing trash around their booth prior to leaving the Market. Spoiled produce must be removed by the vendor and properly disposed of off city property to help control odor, flies, etc.

13. HDFM does not provide any set-up equipment or supplies. It is the sole responsibility of the vendor to provide any and all of the items needed to set up and operate their booth.

Care should be taken to ensure that a clear accessible path is maintained for all market visitors at all times. The Market Manager may ask for items to be removed or moved to preserve the safety of Market patrons.

Scales should be plainly visible to customers so a customer standing outside of the booth can easily see the readings on the scales. The Market Manager has the right to check any scale that is in question and report the

findings to the HDFM Board for resolution.

Tents/pop-ups must fit in the designated approximately 10 x 10 space and not interfere with other vendors.

Coverings with diagonal supports are discouraged as they infringe on the neighboring vendor spaces and present a safety hazard. Vendors cannot hang anything from trees, cables, etc. located on Market property, nor place signage on Market property (pavilion posts, storage shed, fountain, etc).

Vendors must have an appropriate and non-obstructive sign with the name of their business/farm displayed for the public. Descriptive signs about produce, such as “Heirloom,” “White Icicle Radish,” “Picked Today,” or “First of the Season” are encouraged. The sign must be affixed to their booth only. Per Arkansas State requirements, regulated terms such as “Organic” or “Naturally Grown” are not permitted without official authorized documentation.

Produce should be displayed so the consumer can see the entire product and decide which fruits, vegetables, etc. they would like to purchase individually.

14. **NO SAMPLES:** Vendors may not distribute samples and are not permitted to travel up and down the aisles with their products. This is a Health Department rule.

15. **PRICING:** Vendors will set their prices and clearly mark them for customers to see. Price fixing is not allowed .

16. **UNDERAGE CHILDREN** must be directly supervised by an adult. The adult responsible for the child cannot leave the property without the child.

17. **LOST ITEMS:** HDFM and the City of Hot Springs are not responsible for items left by vendors or patrons.

18. **SMOKING POLICY:** The Farmers Market is a smoke free area including pipes, vaping, cigars and cigarettes. Designated smoking areas are the parking lots to the north and south of the pavilion.

19. **WIC:** The Women Infant & Children Farmers Market Nutrition Program (WIC FMNP) applications are available to farmers interested in participating in the program. Farmers are responsible for obtaining information, forms and coupon books from the USDA WIC program. Farmers may not accept FMNP coupons without the appropriate stamp and vendor number assigned by the WIC FMNP program.

20. **SNAP:** Supplemental Nutrition Assistance Program (SNAP) is available through the HDFM’s SNAP at the Market program for any vendor selling eligible food products (breads, cereals, fruits, vegetables, meats, Fish, and poultry, food-producing seeds and plants). SNAP is available during Main Season, May -October

21. **DOUBLE-UP FOOD BUCKS** program is available during Main Season through HDFM's SNAP at the Market Program and is funded by the Arkansas Coalition for Obesity Prevention. Any vendor selling fruits and vegetables is eligible after completing the required paperwork.

22. **PET POLICY:** Well-behaved, leashed pets are welcome at the Market. The HDFM is located on city property and is a public space to be used and enjoyed by everyone. Vendors and patrons who wish to bring their pets must use extreme caution and keep them on a short leash so the Market can operate in a people-friendly manner. Pets with a history of aggression are not permitted. Vendors and patrons who bring their pets are solely responsible for cleaning up after them and disposing of their waste in an appropriate manner off city property. Pets and their owners may be asked to leave as the Market Manager deems appropriate to ensure the enjoyment and safety of all. Vendors may be asked not to bring pets if the pet is disruptive or demonstrates inappropriate behavior. Vendors must keep pets with them at all times. **Inappropriate pet behavior includes but not limited to excessive barking, jumping on people or vendor property, digging, etc.**

23. **BIDDING:** Special events which require the purchase of farmer/vendor products will take place under an open bid policy. Final decisions will be made by the Board of Directors with cost effectiveness as the primary consideration.

24. **TAXES:** Vendors are solely responsible for collecting and remitting all taxes.

25. **LEGAL:** All vendors are responsible for reviewing and complying with all rules, regulations and laws governing the food industry in Arkansas including:

Farmers' Market Vendor Guide – Healthy Arkansas https://www.healthy.arkansas.gov/images/uploads/pdf/FarmersMarketGuidelinesRevised_9-24-21.pdf

Homemade Food Guide

https://www.healthy.arkansas.gov/images/uploads/pdf/Homemade_Food_Guide_FINAL.pdf

Links to both publications are available online at www.hotspringsfarmersmarket.com.

26. **GRIEVANCE POLICY:** The HDFM has a grievance policy and procedure to mitigate conflict resolution between vendors. Please inform the Market Manager immediately. If a resolution is not viable, a grievance form is available by emailing the market manager (hdfmmanager@gmail.com). Please submit the completed form to the Market Manager for Board review within two weeks of the incident.

27. **YOUTH VENDOR SPACES:** Youth vendor spaces are available any Saturday year-round for ages 6-12.

Adult supervision is required. Youth vendor space may not be shared with other adult vendors (anyone ages 13 and up). Youth vendors may sell at an adult vendor space. All items sold by participating youth vendor must be 100% home grown, homemade, or hand-crafted by the youth vendor. Youth vendor fees are \$2.00 during Main Season and free during Winter Market. Participants need to complete a Vendor Application online at www.hotspringsfarmersmarket.com.

28. **COMMUNITY TABLE:** There are two community spaces available to local non-profit organizations, (that are non-political, non-religious) free of charge. Applications are available online at www.hotspringsfarmersmarket.com, Vendor Info tab – please designate non-profit on the application. Complete the application “Community Information Table Request” on the HDFM website. Community tables are designated for the purpose of providing information and/or free resources that will benefit the community.

29. Flyers, fundraising, pamphlet distribution, recruitment of any sort, and pet adoptions are not permitted on-site during Market hours.

30. Any item for sale by the vendor that is grown, produced or manufactured by anyone other than the vendor is not permitted and such misrepresentation will be cause for immediate dismissal and end of participation in the Hot Springs Farmers and Artisans Market. (This does not apply to limited promotional merchandise).

The Historic Downtown Farmers Market is a place of good cheer, community, and trust between vendors and customers that is reflected in its positive reputation and returning customers and vendors. Any vendor whose presence contributes to, engages in, or promotes a sense of ill-will and/or distrust among other vendors and/or customers will be a deterrent to the Market’s sense of community, undermines the positive experience of the HDFM and does not benefit the community as a whole. S/he will not be permitted to sell at the market.